

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on October 5, 2004 at 7:42 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve the minutes of the regular meeting held on September 21, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the reports of the Police Department for the month of August and Fire Department for the month of August.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve bills and payroll for the second half of September.

Bills & Payroll for the second half of September

General Fund

Payroll		\$ 231,453.66
Bills		<u>\$ 500,349.94</u>
	Total	\$ 731,803.60

Hotel Tax Fund

Payroll		\$ 1,623.23
Bills		<u>\$ 121.42</u>
	Total	\$ 1,744.65

Midtown TIF

Bills		<u>\$ 7,449.14</u>
	Total	\$ 7,449.14

Festival Management

Bills		\$ 18,401.64
	Total	\$ 18,401.64
<u>Insurance & Tort Judgment</u>		
Bills		\$ 14.84
	Total	\$ 14.84
<u>Capital Project</u>		
Bills		\$ 20,868.97
	Total	\$ 20,868.97
<u>Water Fund</u>		
Payroll		\$ 33,308.71
Bills		\$ 114,365.99
	Total	\$ 147,674.70
<u>Sewer Fund</u>		
Payroll		\$ 32,620.58
Bills		\$ 106,704.85
	Total	\$ 139,325.43
<u>Cemetery Fund</u>		
Payroll		\$ 2,157.48
Bills		\$ 5,755.03
	Total	\$ 7,912.51
<u>Health Insurance Fund</u>		
Bills		\$ 74,146.39
	Total	\$ 74,146.39
<u>Motor Fund Tax Fund</u>		
Bills		\$ 131,166.39
	Total	\$ 131,166.39

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to adopt Ordinance 2004-5188, updating requirements for connection to the City's sanitary sewer system.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2004-5188

AN ORDINANCE UPDATING REQUIREMENTS FOR
CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Section §50.057 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

§ 50.057 LOCATION OF CONNECTION.

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available; a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. ~~A 45-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer.~~ All connections of four (4) or six (6) inch sewer service taps onto City twelve (12) inch sewers or smaller shall be made with a saddle fitting, unless otherwise approved, before tapping, by the plumbing inspector. (The inspector will consider the depth and condition of the sewer main in deciding if the saddle fitting will be required.) Standard tee or "Y" fittings may be used for connections to the system in lieu of saddle fittings. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer, but no higher than a point one-half the vertical distance between the invert and the crown of the sewer. ~~A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent.~~ Manholes shall be constructed at any junction of an eight-inch diameter line or larger into a public sewer.

Section 2. Section §50.059 of Chapter 50 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

§ 50.059 STREET CUT IN PERMANENT SURFACES.

Where required to cross ~~permanent streets~~ a concrete street to hook a building to a main sewer, the lateral shall be installed by boring or jacking. ~~For other streets, open cut may be used, but sand backfill will be required and surfacing must be installed as per instructions issued by the Superintendent. In some instances, a temporary surface may be required until conditions are correct for the installation of the permanent surface.~~ Any opening in any City right-of-way shall conform to the requirements in §99.05 and §99.06 of this Code.

Section 3. This Ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This Ordinance shall be effective upon its approval as provided by law.

Upon a motion by Commissioner Gambill, seconded by Commissioner Schilling, adopted this 5th day of October, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

Absent (Names): None

Approved this 5th day of October, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to adopt Ordinance 2004-5192, amending §36.54 of the Mattoon Code of Ordinances restricting use of hotel/motel tax receipts to uses explicitly authorized by 65 ILCS 5/8-3-14, the enabling state statute (Tourism Advisory Committee).

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5192

AN ORDINANCE AMENDING § 36.54 OF THE MATTOON CODE OF ORDINANCES RESTRICTING USE OF HOTEL/MOTEL TAX RECEIPTS TO USES EXPLICITLY AUTHORIZED BY 65 ILCS 5/8-3-14, THE ENABLING STATE STATUTE

WHEREAS, the City of Mattoon has imposed a tax on gross rental receipts upon all persons engaged in the business of renting, leasing or letting rooms in a hotel or motel located within the corporate limits of the city pursuant to enabling provisions of Illinois Compiled Statutes, § 65 ILCS 5/8-3-14; and

WHEREAS, this tax was established in Mattoon by Ordinance 91-4662 adopted June 18, 1991 and amended by Ordinance 99-5002 adopted November 2, 1999; and

WHEREAS, it's been discovered that the local code that defines how hotel/motel tax receipts may be expended deviates from the exact language of the enabling state statute; and

WHEREAS, at a meeting held September 15, 2004, a majority of the members of the Tourism Advisory Committee recommended an amendment to the local code to make it conform to the state statute.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Section §36.54 of Chapter 36 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§ 36.54 USE OF RECEIPTS.

The amounts collected by the ~~city~~ municipality pursuant to this chapter shall be expended by the ~~city~~ municipality solely to promote tourism and conventions within the municipality ~~and other special events within the city~~ or otherwise to attract nonresident overnight visitors to ~~visit the city~~ the municipality. No funds received pursuant to this chapter shall be used to advertise for or otherwise promote new competition in the hotel business.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Donnell, seconded by Commissioner Schilling, adopted this 5th day of October, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

Absent (Names): None

Approved this 5th day of October, 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2004.

Mayor Carter opened the floor for discussion. Commissioner Donnell explained the State statute and City ordinance were not worded the exact same; therefore, this ordinance would add the word "overnight" describing visits as requested by the hotel owners.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Gambill moved to adopt Ordinance 2004-5193,
amending Section §114.03 of the Mattoon Code of Ordinances to more explicitly define proof that a
Class

R Liquor Licensee is operating a restaurant.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5193

**AN ORDINANCE AMENDING SECTION §114.03 OF THE MATTOON CODE OF ORDINANCES TO
MORE EXPLITLY DEFINE PROOF THAT A CLASS R LIQUOR LICENSE IS OPERATING A
RESTAURANT**

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The definition of a restaurant in Section 114.03 of Chapter 114 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

RESTAURANT. Any premises, or segregated portion of a licensee's premises, which has a current license for the sale of alcoholic beverages issued by the City of Mattoon, Coles County, Illinois, under Chapter 114 of the City of Mattoon, Illinois Code of Ordinances and which during the preceding three month period has generated more than 50% of its sales from the sale of prepared food.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Carter, seconded by Commissioner Gambill, adopted this 5th day of October, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

Absent (Names): None

Approved this 5th day of October, 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2004.

Mayor Carter opened the floor for discussion. City Attorney/ Treasurer J. Preston Owen stated the original ordinance did not indicate a time period to examine the records for review. This ordinance established a three-month time period. Mr. Gani Imeri of Johnny's Bar and Grill addressed the Council with regard to the recent review of his records and whether the percentage had to be in sales or purchases. Mayor Carter and Attorney Owen stated Mr. Imeri needed to have over 50% in food sales to meet licensing requirements, and the percentage would have to be in food sales.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1044, establishing salaries for elected officials of the municipality who will assume office May 1, 2005. *65 ILCS 5/3.1-50-10 prescribes that the salaries for officers who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least 180 days before the beginning of the terms of the officers whose compensation is to be fixed. This ordinance would increase the compensation of the mayor by \$200 per month and the city commissioners by \$100 per month.*

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1044

AN ORDINANCE ESTABLISHING SALARIES FOR ELECTED OFFICIALS OF THE MUNICIPALITY WHO WILL ASSUME OFFICE MAY 1, 2005

WHEREAS, 65 ILCS 5/3.1-50-10 prescribes that the salaries for officers who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least 180 days before the beginning of the terms of the officers whose compensation is to be fixed; and

WHEREAS, the salaries of the mayor and city commissioners have not increased since May 1, 1996; and

WHEREAS, the time is now appropriate to establish the salaries for elected officials of the municipality who will assume office on May 1, 2005.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Annual salaries for the mayor and city commissioners whose terms of office begin May 1, 2005 and end April 30, 2009 are hereby fixed as follows:

Elective Office	Annual Salary

Mayor	\$9,600
Commissioner	\$7,200

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Gambill, adopted this 5th day of October, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Gambill, Commissioner Hesse,
Commissioner Schilling, Mayor Carter

NAYS (Names): Commissioner Donnell

Absent (Names): None

Approved this 5th day of October, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2004.

Mayor Carter opened the floor for discussion. Commissioner Donnell stated he could not support the special ordinance, wanted to serve as commissioner to better the community, and felt that through the hiring of professional management, the council's job should be easier. Commissioner Schilling stated the current council does not benefit from this increase, had surveyed other similarly populated cities indicating a higher rate of pay, and mentioned the last increase was in 1996. Mr. Chris Rankin questioned the Council as to the current salaries and number of hours. Council replied that the Mayor's salary is in the amount of \$7,200 per year and Commissioners' salaries are \$6,000 per year with the number of hours dedicated as approximately seven hours per week to sixty hours per month, depending on office hours, council meetings and committee meetings. Mr. Herb Meeker of the Journal Gazette requested verification of the application of the ordinance.

Mayor Carter declared the motion carried by the following vote: NAY Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to adopt Special Ordinance 2004-1045, authorizing an \$80,136 budget revision in the General Fund and a \$56,136 grant application to the Illinois EPA (IEPA) for site characterization and remedial planning for cleaning up contaminated real estate located at 2400 Marshall Avenue.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2004-1045

AN ORDINANCE AUTHORIZING A \$80,136 BUDGET REVISION IN THE GENERAL FUND AND

**\$56,136 GRANT APPLICATION TO THE ILLINOIS EPA FOR SITE CHARACTERIZATION AND
REMEDIAL PLANNING FOR CLEANING UP CONTAMINATED REAL ESTATE LOCATED AT 2400
MARSHALL AVENUE**

WHEREAS, Phase I and II Environmental Assessments of real estate located at 2400 Marshall Avenue, formerly OMEGA property and now owned by the U.S. Department of Justice, has identified potential soil and/or groundwater contamination resulting from past use of the site; and

WHEREAS, Municipal Brownfields Redevelopment Grants are available from the Illinois Environmental Protection Agency (IEPA) to assist with site characterization, remedial planning and implementation of remedial measures to clean up contaminated sites, when the party responsible for the contamination can not be identified or if it is not economically feasible to hold the responsible party accountable for cleaning up the contamination; and

WHEREAS, the federal government has pledged to contribute up to \$24,000 in cash for the 30% matching share required for this grant; and

WHEREAS, Fred Biggs Electric, an adjacent land owner, intends to acquire this site upon evidence of a No Further Remediation (NFR) Letter from IEPA; and

WHEREAS, it would be in the public interest for the City of Mattoon to seek a grant to implement measures necessary to obtain a NFR clearance for the site so it can be sold, returned to beneficial use and generate tax revenues.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Administrator is authorized to sign and submit a \$56,136 application for a Municipal Brownfields Redevelopment Grant from the Illinois EPA (IEPA) for site characterization and remedial planning for cleaning up contaminated real estate located at 2400 Marshall Avenue as described in an abstract, a copy of which is attached and incorporated herein by reference. The City of Mattoon would be providing in-kind services of personnel and equipment valued at \$4,400 for administration and management of the project to be assisted by the grant. The remainder of the requirement for the matching share of this grant would be financed by the U.S. Department of Justice, U.S. Marshals Service.

Section 2. In approving this ordinance, the City Council acknowledges:

(A) That the municipality must incur the expenses anticipated for the site characterization and remedial planning before it will be reimbursed by the grant or the U.S. Marshals Service; and

(B) That additional, as of yet un-quantified, money resources will be needed to implement measures identified in the IEPA approval remedial plan.

Section 3. A \$80,136 revision to the budget for the General Fund is hereby approved to account for revenues and expenditures incidental to the \$56,136 grant application authorized by this ordinance as presented on the following table:

Line Description	Account Code	Original Budget	Revised Budget
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Federal Capital Grants U.S. Marshal Service @ \$24,000	110-4313-023	478,109	502,109
State Capital Grants IEPA Brownfields Grant @ \$56,136	110-4323-023	0	56,136
Economic Development Other Professional Services	110-5651-519	0	80,136

Section 4. The City Council hereby designates the City Administrator to be the municipal official authorized to execute documents incidental to accepting the grant authorized by this ordinance and to administer the project that would be assisted by the grant funds.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Carter, seconded by Commissioner Donnell, adopted this 5th day of October, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

Absent (Names): None

Approved this 5th day of October, 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2004.

Mayor Carter opened the floor for discussion. Commissioner Gambill inquired as to the in-kind services value. Attorney Owen stated the value was based on time spent by City Administrator Richard Underkofler and Attorney Owen. He also stated the Marshal would pay the City. Administrator Underkofler stated the City would be reimbursed by the U.S. Marshal, who would handle the cash match from proceeds of the land sale. There would be

other costs based on the remedial action plan for cleanup efforts. Attorney Owen reiterated the City was not at risk and would not have to pay for cleanup costs. Administrator Underkofler stated there would need to be an amendment to the grant for any cleanup costs.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Resolution 2004-2562, authorizing the mayor to sign an agreement with the Canadian National Illinois Central (CNIC) Railroad for the demolition of the Champaign Avenue Bridge.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2562

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE CANADIAN NATIONAL ILLINOIS (CNIC) FOR THE DEMOLITION OF THE CHAMPAIGN AVENUE BRIDGE

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the Mayor is authorized to sign an agreement with the Canadian National Illinois Central (CNIC) Railroad for the demolition of the Champaign Avenue Bridge, a copy of which is attached and incorporated herein by reference.

Upon motion by Commissioner Hesse, seconded by Commissioner Schilling, adopted this 5th day of October, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

Absent (Names): None

Approved this 5th day of October, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2004.

Mayor Carter opened the floor for discussion. Commissioner Schilling inquired as to the agreement, since the bridge was demolished. Attorney Owen stated this would cover the \$100,000 in expenses the City had already realized.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner

Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve Council Decision Request 2004-367, revising the budget for the Sewer Fund by the addition of a \$10,000 project to replace a phone monitoring system with a wireless monitoring and control system between the wastewater treatment plant and the sewer lift stations.

Mayor Carter opened the floor for discussion. Commissioner Gambill stated the savings of the replacement would be approximately \$1,500 a month, due to an increase in the current communications' rates.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve Council Decision Request 2004-368, authorizing the mayor to sign a contract with Crawford, Murphy & Tilly with compensation not to exceed \$199,750 over a term of five years for engineering and environmental consultant services incidental to implementing Phase II of the Clean Lakes Project at Lake Paradise. *These expenditures would be financed by state and federal grants and revenues from sale of water to Reliant Energy.*

Mayor Carter opened the floor. Mayor Carter inquired if the reliant money was earmarked for anything else. Public Works Director David Wortman stated the Reliant money was earmarked for the Clean Lakes Project.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Abstain Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-369, approving an assignment of Lake Paradise Ground Lease #L2101 from Steve Skelton to Kent and Lee Coffman.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve Council Decision Request 2004-370, approving reappointments of Rich Fanelli and Ken Wooddell to three year terms expiring August 31, 2007 on the Tourism Advisory Committee.

Mayor Carter opened the floor for discussion. Commissioner Donnell referred to the applications each committee member completed, and requested other committees to file applications.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. Administrator Underkofler announced a problem with the pump at the Golden Valley Lift Station. Director Wortman stated the station was down to one operating pump, had received a quote from Bodine, and suggested repair of the pump. Council's consensus was to repair the pump.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1), the purchase of real property for the use of the municipality (5 ILCS 120(2)(5), the setting of a price for sale or lease of property owned by the municipality (5 ILCS 120(2)(6), litigation affecting or on behalf of the City of Mattoon (5 ILCS 120(2)(c)(11): review performance appraisal reports for management employees: Bill Kingery, Underground Systems Supervisor; Chris Hartbank, Water & Sewer Superintendent; Kurt Stretch, Parks & Lake Superintendent, Rick Pinnell, Chief Sewer Plant Operator; Preston Owen, City Attorney &

Treasurer. at 8:24 p.m.

Commissioner Hesse left the meeting at 8:24 p.m.

Council reconvened at 9:34 p.m. from closed session.

Council Decision Request 2004-371, authorizing the recruitment and hiring of a custodian to replace Paul Weber, who is resigning effective October 16, 2004 was not considered.

Commissioner Donnell reported that Angela Griffin was to be the new Coles Together Director. Council discussed the commitment made to Coles Together.

Commissioner Schilling seconded by Commissioner Donnell moved to adjourn at 9:43 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, Absent Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/ Susan J. O'Brien
City Clerk